

REMARKS

Claims 1-147 have been cancelled without prejudice to or disclaimer of the underlying subject matter. Claims 151-157 have been added. Support for these new claims can be found throughout the specification and claims as originally filed, for example, page 21, line 7 to page 22 line 2. No new matter enters by way of these new claims.

I. Rejection under 35 U.S.C. § 102(e), Anticipation

Claims 148-150 stand rejected under 35 U.S.C. 102(e) as allegedly anticipated by Hunter *et al.* (US 2002/0056118) (hereinafter “Hunter”).

As a preliminary matter, Applicants do not admit that Hunter is prior art. To facilitate prosecution, however, Applicants will address Hunter as if it were available as a reference against the claims of the instant patent application.

The portions of Hunter cited in the office action do not anticipate claims 148-150 of the instant application. Independent claim 148 discloses “enabling the playback of the media content at a *predetermined time after* the receipt of the media content.” (Emphasis added) The cited portions of Hunter, on the other hand, teach that “[t]he movies may [] be played *immediately or at any time* desired by the consumer...” and that “[a] consumer who wishes to plan ahead can easily record all new releases...and have them available for viewing *at his pleasure...*” Hunter at ¶¶ [0012] and [0017] (Emphasis added).

The mere fact that “[t]he movies may [] be played immediately or at any time desired by the consumer...” indicates the absence of a method “enabling the playback of the media content at a predetermined time after the receipt of the media content.” By virtue of the fact that the customer may play a movie immediately or at any time, the playback disclosed by Hunter must already be enabled upon receipt of the media content. If the playback was only enabled after a predetermined time after its receipt, then the customer would not be allowed to view it at any time, and certainly would not be allowed to view it immediately. Playback by a customer at a time that he chooses to play it is not the same as enabling that playback.

CONCLUSION

In view of the above, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims, and to pass this application to issue. The Examiner is encouraged to contact the undersigned at (202) 942-6567 should any additional information be necessary for allowance.

Respectfully submitted,



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